



**MCI Communications  
Corporation**

1801 Pennsylvania Avenue, NW  
Washington, DC 20006  
202 887 2993  
FAX 202 887 2676  
Keith.Seat@MCI.Com

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**Keith L. Seat**  
Senior Counsel for Competitive Strategies  
Federal Law and Public Policy

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APR 16 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

April 16, 1998

EX PARTE

**VIA HAND DELIVERY**

Ms. Magalie Roman Salas, Secretary  
Federal Communications Commission  
1919 M Street, NW, Room 222  
Washington, DC 20554

Re: Ex Parte Presentation in CC Docket No. 97-231; CC Docket No. 97-121; CC Docket No. 97-208; CC Docket No. 97-137

Dear Ms. Salas:

On Wednesday, April 15, 1998, Mary Brown, Senior Policy Counsel, and the undersigned met with Paul Gallant in Commissioner Tristani's office.

The purpose of the meeting was to discuss MCI's initial assessment of BA-North's 271 Pre-Filing Statement that was filed at the New York Public Service Commission on April 6, 1998. The attached document outlines the topics discussed. I would note that MCI did not address in this meeting the merits of any cases pending before the FCC.

Two copies of this Notice are being submitted to the Secretary of the FCC in accordance with Section 1.1206(a)(2) of the Commission's rules.

Sincerely,

Keith L. Seat

Attachment

cc: Paul Gallant

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# NY Roadmap -- Initial Assessment

April 1998



# NY Roadmap will not fully open local markets

- Limits platform; key pricing issues unresolved; provides inadequate standards and remedies
- In many respects, worse than MCI-Bell Atlantic NY contract
- FCC needs to exercise its BA/Nynex merger jurisdiction, 271 authority



# NY Roadmap -- Summary

- Platform limited to 4-6 years; no availability for business in key NYC end offices where there are 2 or more collocation cages
- Key pricing issues remain open in other dockets -- no deaveraging of loop
- No requirement of carrier-to-carrier testing of OSS; use of 3rd party “pseudo” testing
- Many deadlines, but lacks specific enforcement mechanisms for commitments
- Weak performance standards; weak remedies
- Lots of ambiguity

# NY Roadmap -- Initial assessment

- Facilities-based entry remains the best entry vehicle
- If BA fully implements, new OSS will assist MCI in serving business customers
- Absence of ability to buy combinations of elements (without “glue” charges) after 4-6 years raises substantial questions about mass markets entry for residential

# NY Roadmap -- Commitments

- Account Servicing: Various deadlines throughout April and May to improve responsiveness to CLECs
- Interconnection, Collocation and UNEs
  - July 1: provision virtual collocation within the prescribed 105 day time interval
  - August 31: general service offering of two-way trunks, to both end offices and tandems, on a measured-use basis
- OSS: RFP (3rd party process) milestones
- Post-271 grant performance
  - July 31: Data and methodology evaluation.

# FCC: Merger authority and pending complaints

- BA refuses to allow MCI to commingle its local service (through UNEs) and its access service
- BA failed to establish performance standards, measurements, and enforcement mechanisms in compliance with its merger conditions
- BA failed to meet its obligation under the Act to provide nondiscriminatory access to the directory assistance database used by BA to provide reverse directory assistance
- BA failed to provide TELRIC pricing (BA South)
- Other potential complaints are under evaluation



# FCC: Collaborative process

- Continued development of legal standards helpful
- Critical need for performance standards and adequate remedies
- Collaborative process is only one activity of several that require FCC attention
  - BA complaints
  - LCI petition for OSS
  - Access reform